

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

United States District Court
Southern District of Texas
FILED

AUG 9 2016

UNITED STATES OF AMERICA

v.

CYNTHIA LUNA RODRIGUEZ

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Criminal No. 7:16-1156

INDICTMENT

THE GRAND JURY CHARGES:

Counts One – Six
(Bank Fraud – Title 18, U.S.C. §1344(2))

On or about the dates set forth below, in the Southern District of Texas and within the jurisdiction of the Court, the defendant,

CYNTHIA LUNA RODRIGUEZ

knowingly executed and attempted to execute a scheme to obtain the money, funds, credits, assets, securities, or other property under the custody or control of First National Bank, and later PlainsCapital Bank, banks whose deposits were and are insured by the Federal Deposit Insurance Corporation, on behalf of the customers listed below, by means of material false or fraudulent pretenses, representations, or promises.

Manner and Means of the Scheme:

In furtherance of the scheme, the defendant would withdraw moneys from customer accounts without authorization.

In furtherance of the scheme, the defendant would change the address on customer accounts to another address controlled by the defendant to prevent receipt of bank statements showing the unauthorized withdrawals or would otherwise cause the bank statements to not be sent to the customer.

In furtherance of the scheme, the defendant would create false bank statements, tax forms, or other records to hide the moneys withdrawn without authorization.

| Count | Dates | Customer |
|--------------|---|-------------------------|
| 1 | From on or about March 2009, to on or about August 12, 2014 | E. M. C. |
| 2 | From on or about January 2006, to on or about August 12, 2014 | E. J. |
| 3 | From on or about May 2014, to or about July 2014 | J. A. |
| 4 | From on or about October 2013, to on about February 2014 | R. L. |
| 5 | From on or about February 2008, to or about May 2014 | O. H., C. H., and A. C. |
| 6 | From on or about June 2012, to on or about November 2012 | R. G. and E. G. |

In violation of Title 18, United States Code, Section 1344(2).

Count Seven

(Bank Theft, Embezzlement, or Misapplication – Title 18, U.S.C. §656)

From on or about January 2006, to on or about August 12, 2014, in the Southern District of Texas and within the jurisdiction of the Court, the defendant,

CYNTHIA LUNA RODRIGUEZ

being an employee of First National Bank, and later PlainsCapital Bank, banks whose deposits were and are insured by the Federal Deposit Insurance Corporation, embezzled, abstracted, purloined, or willfully misapplied the moneys, funds, assets, securities, or credits intrusted to the custody or care of First National Bank, and later PlainsCapital Bank, with the intent to injure or defraud the bank, in that the defendant would withdraw funds without authorization from customer accounts.

It is further alleged that the amount embezzled or misapplied was more than \$1,000.00.

In violation of Title 18, United States Code, Section 656.

Count Eight

(False Statement in Bank Records – Title 18, U.S.C. §1005)

From on or about January 2012, to or about August 12, 2014, in the Southern District of Texas and within the jurisdiction of the Court, the defendant,

CYNTHIA LUNA RODRIGUEZ

being an employee of First National Bank, and later PlainsCapital Bank, banks whose deposits were and are insured by the Federal Deposit Insurance Corporation, with the intent to injure or defraud, knowingly made a false entry in the books, reports, or statements of First National Bank, and later PlainsCapital Bank, in that the defendant prepared deposit withdrawals and address changes in customer accounts, when in truth and in fact, as the defendant well knew, the withdrawals and address changes were not authorized by the customers.

In violation of Title 18, United States Code, Section 1005.

NOTICE OF FORFEITURE

Pursuant to Title 18, United States Code, Section 982(a)(1)(A), the United States gives notice that upon conviction of any offense charged in violation of Title 18, United States Code, Sections 1344, 656, and 1005, as alleged in Counts One (1) through Eight (8) of this Indictment, defendant,

CYNTHIA LUNA RODRIGUEZ

shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to the offense, including, but not limited to, a money judgment, against the defendant, in the amount of at least \$1,250,000.00, which amount represents proceeds of the offense(s).

MONEY JUDGMENT

Defendant is notified that upon conviction a money judgment may be imposed equal to the total value of the property subject to forfeiture.

SUBSTITUTE ASSETS

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been comingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL


FOREPERSON

KENNETH MAGIDSON
UNITED STATES ATTORNEY


ASSISTANT UNITED STATES ATTORNEY